Supreme Court, U. S.
FILED
JAN 23 1976
MICHAEL RODAK, JR., CLERK

Supreme Court of the United States

October Term, 1974

No. 74-1563

THE CITY OF EASTLAKE, *et al.*,
Petitioners,

vs.

FOREST CITY ENTERPRISES, INC.,
Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

REPLY BRIEF FOR PETITIONERS

J. MELVIN ANDREWS
35475 Vine Street
Eastlake, Ohio 44094
Counsel for Petitioners

WILLIAM D. GINN
MICHAEL M. HUGHES
STEPHEN L. BUESCHER
THOMPSON, HINE AND FLORY
1100 National City Bank Building
Cleveland, Ohio 44114
Attorneys for Respondent

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—TEL. (216) 621-5647

TABLE OF CONTENTS

STATEMENT OF THE CASE 1

ARGUMENT 3

I. The Purpose and Effect of the Eastlake Charter Amendment Is a Local Issue to Determine How City Power Will Be Distributed Between the Electorate and the Elected Representatives and Presents No Federal Constitutional Issue 3

II. The Eastlake Voting Plan Is But One Final Step in a Traditional Rezoning Procedure Which Provides for Procedural Due Process and Insures Compliance With the Standards of This Court Set Forth in Euclid v. Ambler Realty Co., 272 U.S. 365 (1926) 5

III. The Eastlake Charter Amendment Adds Little, If Any, Burden to the Application for Rezoning 9

IV. The Assault in This Case Is Upon the Entire Referendum Process As It Applies to Rezoning: to Deny the Right of the People to Vote on Matters Vitally Affecting the Future Development of Their Community 10

V. There Is No Evidence or Record in This Case to Substantiate the Claim That the Eastlake Zoning Procedure Is Discriminatory or an Unfair Process 12

VI. Answer to New Material Contained in Briefs of Amici Curiae 13

CONCLUSION 15

APPENDIX:

Certificate of Result of Election on Question or Issue 17

TABLE OF AUTHORITIES

Cases

Belle Terre v. Boraas, 416 U.S. 13 (1974) 7
City of Coral Gables v. Carmichael, Fla., 256 So. 2d 404, 409 (1972) 8
Dwyer v. City Council, 200 Cal. 505, 253 P. 932 14
Eubank v. City of Richmond, 226 U.S. 137 (1912) 8
Euclid v. Ambler Realty Co., 272 U.S. 365 (1926) 5, 6, 7, 8, 10, 11, 12
Highland Farms Dairy v. Agnew, 300 U.S. 608 (1973) 3
Hughes v. Superior Court, 339 U.S. 460 (1950) 3
Hurst v. City of Burlington, 207 Cal. 134, 277 P. 308 14
James v. Valtierra, 402 U.S. 137 (1971) 13
Johnston v. City of Claremont, 49 Cal. 2d 826, 323 P.2d 71 14
Pacific Tel. Co. v. Oregon, 223 U.S. 118 (1912) 4
Ranjel v. City of Lansing, 417 F.2d 321 (1969), *cert. den.* 397 U.S. 980 13
San Diego Building Contractors Ass'n v. City Council of The City of San Diego, 13 Cal. 3d 205 (1974) 14
Southern Alameda Spanish Speaking Organization v. City of Union City, 424 F.2d 291 (1970) 13
Spaulding v. Blair, 403 F.2d 862 (1968) 13
Taschnei v. City Council, 31 Cal. App. 3d 48 14
Washington, ex rel. Seattle Title Trust Co. v. Roberge, 278 U.S. 116 (1928) 8

Text

1 R. ANDERSON, AMERICAN LAW OF ZONING, Sec. 1.03 at 8 6

Constitution and Charter

Constitution of the United States, 14th Amendment .4, 5, 13
City of Eastlake Charter, Article VIII, Section 3 16
City of Eastlake Ordinance No. 1973-7 2

Supreme Court of the United States

October Term, 1974
No. 74-1563

THE CITY OF EASTLAKE, *et al.*,
Petitioners,

vs.

FOREST CITY ENTERPRISES, INC.,
Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

REPLY BRIEF FOR PETITIONERS

STATEMENT OF THE CASE

This brief of Petitioners will be restricted to reply to new matter contained in Respondent's Brief, answer to the various supporting amici briefs, and to correct a misstatement of fact by the Respondent.

Respondent, in its attempt to show the Eastlake zoning procedure does not work in practice, states that to Respondent's knowledge, "Not one proposal by an individual property owner for a change in zoning, has since received voter approval" (Br. of Res. 17). That Respondent's knowledge should be so restricted is inconceivable, as the so-called Gateway Motel project (involving re-zoning of 9.1 acres of land from industrial to general business use classification) was submitted to the electors of the City of Eastlake,

pursuant to Charter Amendment, in the May 1973 special election, and received a 78% affirmative vote.[1] Such rezoning issue received substantial publicity in the local community and was the subject of comment in oral argument by petitioners before both the Court of Appeals and the Ohio Supreme Court.

It is significant to note that Respondent makes no claim, nor does the record so indicate, that the comprehensive zoning plan of the City of Eastlake does not make adequate provision for areas where multiple housing may be constructed, or that Respondent has suffered any economic damage due to failure of the electorate of the City of Eastlake to approve the requested rezoning, or in fact, that it is good city planning to spot zone for an apartment oasis to be located between industrial and business zoned property as requested by Respondent.

Throughout the Brief of Respondent, and the Briefs of its amici, is an appalling distrust of traditional democratic principles and process as applied to rezoning. The fear is that the voting public, if allowed to do so, *might* make the wrong decision.

The real issue is whether the ultimate and final power in respect to rezoning shall be vested in the people of any given community or in their elected representatives. Otherwise stated, shall the government, insofar as rezoning is concerned, be the traditional "Of the people, by the people, and for the people", or, as Respondent and amici contend, be "By the elected representatives, for the people"?

---

1. Ordinance No. 1973-7 of the City of Eastlake, changing use of land from General Industrial to General Business zoning classification received an affirmative vote of 2239 with a negative vote of 633 at a special election on May 8, 1973 (See Appendix A).

Petitioners' basic position is that to the extent that legislative action, discretion, and decision can constitutionally be made at the local level by the local legislative body, and to the extent that they do so, that action, discretion and decision, can be shared by the voters of that local public entity who are the more supreme power, the power of the people themselves, acting within, and in concert with their constitutional rights. The judgment and decision of the Court below places in jeopardy such constitutional right and power of the people.

ARGUMENT

I. THE PURPOSE AND EFFECT OF THE EASTLAKE CHARTER AMENDMENT IS A LOCAL ISSUE TO DETERMINE HOW CITY POWER WILL BE DISTRIBUTED BETWEEN THE ELECTORATE AND THE ELECTED REPRESENTATIVES AND PRESENTS NO FEDERAL CONSTITUTIONAL ISSUE.

The closer a subdivision of a government gets to the grass roots, the more reasonable is a classification requiring voter approval. The burden, financially and environmentally, falls on the local citizens and it is the *people themselves* who should decide and determine the need and desirability for rezoning, which rezoning changes a comprehensive zone plan which they, the people themselves have, by democratic process, previously adopted.

The sovereignty of a state rests in its people, by whom and for whom all government exists. The manner in which they distribute or parcel out its exercise is not a federal justiciable question. *Highland Farms Dairy v. Agnew*, 300 U.S. 608 (1973). *Hughes v. Superior Court*, 339 U.S. 460

(1950). They may retain all or any part of it in their own hands, as by the initiative or referendum. *Pacific Tel. Co. v. Oregon*, 223 U.S. 118 (1912). Granting some or all of that exercise of sovereignty to legislative bodies, state or local, they may retain or resume the remainder.

The initiative and referendum were born of an urge to curb the power of the wealthy and entrenched so as to benefit the disadvantaged. This Court is now called upon by Respondent, who may be classified among the wealthy and entrenched, to utilize the Fourteenth Amendment of the Federal Constitution to redistribute the legislative power of a state and its subdivision to deprive the people of their constitutional right of referendum insofar as rezoning is concerned.

What respondent herein contends is that as a matter of constitutional law, voters are to be held inherently disqualified from passing on certain kinds of issues. The voters are accused of being biased and unworthy to pass on questions better left to wiser heads. The argument is that the electorate acts in ways wholly capricious, not governed by any ascertainable standards in respect to rezoning matters. This is equally true, however, of the electorate whenever it votes for a candidate or on any measure. Is democracy then unconstitutional? The right to vote should not be denied because of fear that voters may act unwisely or out of whim and caprice. Local government is the pervasive characteristic of our republic.

The referendum vote is but a step in the legislative process, the last in a series necessary to obtain rezoning of property in the City of Eastlake. This is the last resort check upon the affirmative actions of the City council, the agent of the sovereign people. No claim is made by Respondent that anything violates the due process clause of the Fourteenth Amendment to the Federal Constitution ex-

cept the provision for referendum itself. The question in this case is whether the mere requirement that a question on rezoning be put to the electorate violates the due process clause of the Federal Constitution.

The final control and direct voice of the electorate are the very bone of democracy. What the respondent and its amici ask, therefore, is the Court to strike at a basic characteristic of democracy in Ohio. Not one case can be found by Petitioners, nor has the Respondent or its amici cited such a case, where this Court has accepted Respondent's contention and condemned the automatic referendum process *itself* as being in violation of due process and unconstitutional.

II. THE EASTLAKE VOTING PLAN IS BUT ONE FINAL STEP IN A TRADITIONAL REZONING PROCEDURE WHICH PROVIDES FOR PROCEDURAL DUE PROCESS AND INSURES COMPLIANCE WITH THE STANDARDS OF THIS COURT SET FORTH IN EUCLID v. AMBLER REALTY CO., 272 U.S. 365 (1926).

Respondent's eye-catching reference to the Eastlake Charter Amendment as a "ballot box zoning scheme" is a misnomer and presupposes that all rezoning matters are arbitrarily submitted to the electorate for a vote and that the final decision will be based upon the whim and caprice of the voting public without resort to substantive and procedural standards. Such is not the case.

The Eastlake rezoning process, in which the vote of the electorate is only the final step, requires first the consideration of the City Planning Commission, after public hearing, for report and recommendation to council. At this level, in which professional planning advice is avail-

able, all the technical variables and traditional factors are considered, as set forth in detail in Respondent's Brief.[2] Technical assistance may also be obtained from the State and Federal agencies empowered to furnish assistance in such matters.

Additionally, the standards of reasonableness and substantial relation to the public health, safety, morals or general welfare, as enumerated in *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926), must be met in order to secure a favorable recommendation on the rezoning application from the City Planning Commission.

The next step in the rezoning process is the submission of the rezoning application to City Council, the elected representatives of the people, in which the same technical and governmental assistance is available and, after public hearing and consideration of the City Planning Commission report and recommendation, the City Council reaches a decision as to whether the requested zoning change should be approved or disapproved.

The City Council, in arriving at a decision, must consider the traditional multiple facets of community development previously considered by the City Planning Commission and whether the proposed rezoning meets the procedural safeguards and dual standards of *Ambler*.

If City Council finds the proposed rezoning does not meet physical, technical or traditional standards, or does

---

2. Planning requires a consideration of all the multiple facets of community development; existing population and projected growth; economic facts and future needs for development; service facilities, including sewers, transportation, public utilities, schools and recreational facilities and the burdens which growth will place on such facilities; the physical facts of the community, both geographic and in relation to its neighboring communities; and the existing and projected tax structure. 1 R. ANDERSON, AMERICAN LAW OF ZONING, Sec. 1.03 at 8 (Br. of Res. 14, 15).

not meet the procedural and substantive safeguards and standards of *Ambler*, then the rezoning request is denied. It is only after the City Council has determined the rezoning meets all technical requirements, and the dual standards of reasonableness and relation to the public health, safety, morals, or general welfare, and an affirmative decision is made, that the rezoning is submitted for approval of the electorate, as the final step in the Eastlake zoning process.

As a direct and proximate result of the Eastlake Zoning procedure, the electorate is not called upon to assess whether the proposed rezoning meets with technical requirements or whether the rezoning is reasonable and meets the requirements of *Ambler*, as these matters have been predetermined in the zoning process by the action of the City Planning Commission and Council who, if their job is correctly done, have previously eliminated rezoning applications which do not qualify.

The Eastlake procedure provides for removal of final issues of public policy on complex and important matters of rezoning,[3] in which the future development of the community may be determined, from the forum of the Council to the forum of the electorate, and the rule of popular democracy, where proponents and opponents are given all the privileges and rights to express themselves in an open election that a democracy or republican form of government can afford to its citizens.

Whether the policy of giving to the public generally a referendum vote on zoning when the effect may be more

---

3. "It (zoning) may indeed be the most essential function performed by local government, for it is one of the primary means by which we protect that sometimes difficult to define concept of quality of life". (Justice Marshall in *Belle Terre v. Boraas*, 416 U.S. 13 (1974)).

acutely felt in a given district than by a community at large may be questioned as the wisest exercise of power in such cases, but this is a question of public policy to be determined by the people of any given community.[4]

It should be emphasized, contrary to the misquote by Respondent of Petitioner's position[5] that the final decision of electorate is subject to judicial scrutiny as to any given parcel of property, if such decision is unreasonable or does not otherwise meet the requirements and standards of *Ambler*.

Eubank v. City of Richmond, 226 U.S. 137 (1912) and *Washington, ex rel. Seattle Title Trust Co. v. Roberge*, 278 U.S. 116 (1928), heavily relied upon by Respondent and amici to condemn the Eastlake zoning process, had no procedural safeguards and created no standards by which the power conferred on adjacent property holders might be exercised. Such cases have no application to a rezoning process which incorporates procedural safeguards and standards and certainly has no application where the general zoning powers of an entire community are at issue.[6]

---

4. *City of Coral Gables v. Carmichael*, Fla., 256 So.2d 404, 409.

5. Respondent states "Indeed, as petitioner and its amici curiae are eager to explain, the vote of the electors is impervious to any process for review and examination!!" (Br. of Res. 13).

6. As stated by Justice McKenna in *Eubank*, 226 U.S. 144, "We need not consider the power of a city to establish a building line * * *" and by Justice Butler in *Roberge*, 278 U.S. 123, "We need not decide whether, consistently with the Fourteenth Amendment, it is within the power of the State or municipality by a general zoning law to exclude the proposed new home for a district * * *".

III. THE EASTLAKE CHARTER AMENDMENT ADDS LITTLE, IF ANY, BURDEN TO THE APPLICATION FOR REZONING.

All traditional rezoning procedural steps remain the same under the Eastlake Charter process with the exception that the affirmative vote of the electors is required prior to any zoning change becoming finally effective. Substantive rights also remain the same as rezoning has always been an appropriate subject of referendum under the express provisions of the Eastlake Charter by 10% affirmative petition.

In the case of an applicant whose property is destined to be the subject of referendum, there is no change at all so far as the applicant is concerned. The difference to the electorate being the necessity to circulate a referendum petition.

If anything the Eastlake Charter Amendment takes away from the applicant for rezoning the uncertainty as to whether his particular application will be the subject of referendum by petition. At most, the Eastlake Charter Amendment adds six (6) months to the applicant's time table for final decision as the matter is required to be submitted at the next general (November) or special (May) election (App. 70).

There is little substance to the charge that the purpose of Eastlake's Charter provision adds such a burden to change as to be prohibitive. All democracy, by its very nature, requires time for decision making and such delay has never been found to be a constitutional bar to the exercise of the democractic process.

IV. THE ASSAULT IN THIS CASE IS UPON THE ENTIRE REFERENDUM PROCESS AS IT APPLIES TO REZONING: TO DENY THE RIGHT OF THE PEOPLE TO VOTE ON MATTERS VITALLY AFFECTING THE FUTURE DEVELOPMENT OF THEIR COMMUNITY.

While Respondent and amici give lip service to the proposition that this case does not represent an assault upon the referendum process (Br. of Res. 23), there is no question that their various briefs reach that end result insofar as rezoning is concerned. Can the voting electorate be any more qualified to vote, or the standards or safeguards to the final decision be any different, when a rezoning decision is submitted to the electorate by a mandatory referendum process as opposed to a petition referendum?

Adoption of a comprehensive zoning plan by the electorate, which Respondent and amici do not condemn (nor could they in view of the decision of this Court in *Ambler*) constitutes a political decision of policy as to how each individual community will develop. Any rezoning, which constitutes a change of such comprehensive zoning plan, by its very nature, be it large or small, constitutes a change of such policy. Respondent and amici are not in the unique position of advocating that the voting electorate may establish zoning policy by acceptance of a comprehensive zoning plan, but are not qualified, due primarily to suspicion the electorate may vote by whim and caprice, to determine change to such zoning policy.

Respondents and amici would take away completely the right of decision making by the voting public in matters of rezoning and would place in City Council, whom they consider to be a wiser and responsible organ of government, the final power of decision making on rezoning, and

in effect, place final zoning policy decisions in the elected representatives of the people.

There is no assurance that city council, members of which may be directly susceptible to sometimes subtle and substantial pressures of the developer, will make a final rezoning decision compatible with the traditional technical requirements as well as the dual standards of reasonableness and relation to the health, safety, morals and general welfare of the community. Indeed, the very reason the Eastlake Charter Amendment was adopted by initiative petition of the electors of the City of Eastlake was the distrust of the decision of the city council on the Respondent's application which constituted spot zoning and created an apartment oasis between industrial and business zoned property.

A substantial number of the 10,000 reported zoning cases brought in state courts after *Ambler* have involved factual determinations, on a case by case basis, where city council has not acted reasonably and in violation of the standards and safeguards of *Ambler*. The very reason for the concept of referendum was to reserve to the people the final decision on legislative matters and to counterbalance the special interest groups who may exert pressures to influence the vote of the elected representatives in such a manner that the best interest of the community as a whole would not be of prime consideration.

City Council in actual practice could, by the process of final power of change, emasculate a comprehensive community zone plan previously adopted by a vote of the people, who would be powerless in such a case. Change may be initiated by Council as well as by application of individual property owners. While Respondents would suggest the remedy of change of Council, the entrenchment of in-

cumbents may, as a practical matter, preclude such a remedy.

Respondent and amici do not challenge the general constitutional and charter reservation of the power to the people. No constitutional exception of such power is made concerning rezoning of property as distinguished from any other exercise of the police power.

If the people choose, as did the people of the City of Eastlake, to retain final power by the device of automatic referendum, to restrict the final decision making power of its council on matters concerning rezoning of property, in which all share a substantial interest in the future development of their community, then they have the legal and constitutional right to do so.

V. THERE IS NO EVIDENCE OR RECORD IN THIS CASE TO SUBSTANTIATE THE CLAIM THAT THE EASTLAKE ZONING PROCEDURE IS DISCRIMINATORY OR AN UNFAIR PROCESS.

As stated by Respondent, the challenge involves the unconstitutionality on its face, of the so-called mandatory referendum requirement of the Eastlake zoning process (Br. of Res. 3).

It is once again emphasized and conceded that if, in the application of the Eastlake zoning procedure, unreasonable or arbitrary restrictions are finally placed on any individual property, then recourse may be made to the Courts for a judicial determination under the standards of *Ambler*. Or if in the exercise of such voting rights, it can be demonstrated that the voters acted in such a manner as "to exclude, to build walls against the ills, poverty, racial strife, and the people themselves of our urban areas * * *" (Br. of Res. 18), then the actions of the voters may be

subjected to judicial scrutiny but only in the context of each specific decision.[7]

The Eastlake zoning procedure itself, which is under attack in this case, has fair and equal application to all and is not dedicated to unfairness or discrimination as advanced by Respondent and amici. The same neutral and democratic referendum procedure, as provided for by the Eastlake Charter, was considered by this Court in *James v. Valtierra*, 402 U.S. 137 (1971) to "demonstrate devotion to democracy, not to bias, discrimination, or prejudice."

VI. ANSWER TO NEW MATERIAL CONTAINED IN BRIEFS OF AMICI CURIAE.

The contention of the amicus *State of Ohio*, that should this Court determine the Eastlake Charter does not violate the due process clause of the Federal Constitution, then the case should be returned to the Ohio Supreme Court for further deliberation, is without merit (Ohio Amicus Br. 5, 10).

The Court below has had adequate opportunity to find the Eastlake Charter provision violated the Ohio Constitution or general law and it did not so find. Certainly, if local infirmities were determined, the Court below would not have decided the case on a Federal Constitutional basis. The Court below specifically found the rezoning action of the Eastlake Council to Respondent's property to be a legislative act under the substantive law of the State of Ohio and as such, subject to referendum.

---

7. If apportioning state sovereignty *via* the referendum makes it more difficult for a particular group to obtain advantages, that apportionment is not constitutionally vulnerable, at least so long as it is based on neutral principles and not to achieve racial discrimination. *Spaulding v. Blair*, 403 F.2d 862 (1968); *Ranjel v. City of Lansing*, 417 F.2d 321 (1969), *cert. den.* 397 U.S. 980; *Southern Alameda Spanish Speaking Organization v. City of Union City*, 424 F.2d 291 (1970).

Amici *San Diego Building Contractors, et al.*, have based their brief on the issues in the *San Diego* case[8] and the proposition that due process of law requires notice and hearing before a responsible legislative body as a condition to rezoning and that the mandatory referendum procedure denies due process. Such argument ignores the notice and the hearing applicant receives at both the planning commission and city council levels in the Eastlake rezoning procedure and ignores the fact that notice and hearing are not a prerequisite where the referendum vote of the community as a whole is involved.[9]

The facts of the *San Diego* case differ from the within case as the rezoning issue in *San Diego* was submitted by initiative referendum for a vote of the people without prior hearing and determination before the Planning Commission and City Council. Unlike the *San Diego* case, hearings regarding the rezoning of Respondent's property were held before the municipal planning commission and city council in which individual owners of the affected property were given opportunity to be heard and present their views and were then afforded reasonable notice and a meaningful hearing before responsible municipal bodies in the Eastlake rezoning process.

---

8. *San Diego Building Contractors Ass'n v. City Council of the City of San Diego*, 13 Cal. 3d 205 (1974) (appeal pending, No. 74-1459).

9. The California Supreme Court in the *San Diego* case, *supra*, concluded that initiative zoning legislation, as all other legislation, may be constitutionally enacted without giving all affected individuals notice and hearing. Referendum, by comparison, has been held in California to be constitutional since the referendum election occurs *after* the adoption of the ordinance to be voted upon and *after* the property owner has had his notice and hearing. *Johnston v. City of Claremont*, 49 Cal. 2d 826, 323 P.2d 71; *Hurst v. City of Burlington*, 207 Cal. 134, 277 P. 308; *Dwyer v. City Council*, 200 Cal. 505, 253 P. 932; *Taschnei v. City Council*, 31 Cal. App. 3d 48.

The portion of the argument contained in the amici brief of the *National Association of Home Builders, et al.*, that when a city council acts upon a rezoning request, it is engaged in an adjudicatory process, or an administrative determination, and that such determinations are not subject to referendum, is foreclosed in the present case as the rezoning of Respondent's property, under the substantive law of the State of Ohio, was specifically found by the Ohio Supreme Court below to be a legislative act and, as such, subject to referendum (Pet. for Cert. 16).

In further answer to the summary argument contained in the brief of amici curiae *National Association of Home Builders, et al.*, that the comprehensive plan is the essence of zoning and that decisions which amend or change existing zoning require a balance between individual rights and the public welfare, it should be noted, as previously stated, that there is no claim made that the comprehensive zoning plan of the City of Eastlake does not make adequate provision for multiple housing, or that it is good city planning to allow applicant's request for spot rezoning of its property to multiple family use.

CONCLUSION

It can only be concluded that the Eastlake zoning process, which contains procedural safeguards and standards and is of fair and equal application to all, and being a democratic decision making procedure in matters of great concern which will affect the future development of the community as a whole, does not violate due process, and is a valid constitutional reservation of power by the people to the people over the legislative acts of their elected city council.

The function of the judiciary should be limited to a consideration of the result of the community's referendum decision to determine whether such community decision violates reasonable standards of land use.

The constitutional validity of the mandatory referendum procedure provided for by Section 3, Article VIII of the Charter of the City of Eastlake, should be sustained.

Respectfully submitted,

J. MELVIN ANDREWS
35475 Vine Street
Eastlake, Ohio 44094
(216) 942-7757
Attorney for Petitioners

APPENDIX

Form No. 127 Prescribed by Secretary of State Rev. 9-68 Form No. 10037

CERTIFICATE OF RESULT OF ELECTION ON QUESTION OR ISSUE

Revised Code, Section 3501.11

State of Ohio
County of Lake

The Board of Elections of LAKE *County hereby certifies that at the election held in* EASTLAKE CITY (Subdivisions) *in said county on* May 8, 1973 (Date of election) *the vote cast on the following issue was as follows:*

Issue PROPOSED ORDINANCE: Shall Ordinance No. 1973-7, changing the use of land in the vicinity of the intersection of SR-91 and Curtis Blvd from General Industrial District (M-3 District) to General Business District (B-3 District) be approved?
(Tax levy, bond issue, local option, etc. — describe fully)

Votes YES (For, yes, etc.—as on ballot)		2239 (Number)
Votes NO (No, against, etc. — as on ballot)		633 (Number)
Total vote cast on issue:		2872 (Number)

Witness our official signatures at Painesville, *Ohio in said county, this* 16th *day of* May, 19 73

E. W. Mathews Chairman
Lois Leggett
Thomas F. Sweeney
J. Thomas Dixon

Attest: John W. Lake Clerk

BOARD OF ELECTIONS

Lake County, Ohio